



South Carolina
DEPARTMENT OF CONSUMER AFFAIRS
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**PROTECTING CONSUMERS SINCE
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September 30, 2021

VIA ELECTRONIC FILING

The Honorable Jocelyn Boyd
 Chief Clerk/Executive Director
 The Public Service Commission of South Carolina
 101 Executive Center Drive
 Columbia, South Carolina 29210

RE: Docket 2005-83-A
**Additional Comments of the Department of Consumer Affairs Comments Regarding
 Proposed Pro Se Litigant Guide Revisions**

Dear Ms. Boyd:

The Department of Consumer Affairs (the “Department” /“SCDCA”) is submitting this letter in response to the Commission’s September 23, 2021 request for comments on the proposed amendments to the Pro Se Litigant Guide. The Department submitted its initial comments on May 26, 2021. Since that time, the Department has received several inquiries regarding its role in Commission matters. At the core of the conversations lies some confusion regarding the use of the word “consumer” by both the Department and the Office of Regulatory Staff (“ORS”) and subsequent interpretations of the word as it relates to each agency’s jurisdiction.

As you know, the South Carolina Consumer Protection Code (the “Code”) provides that the Department represent “the consumer interest” in ratemaking proceedings. *See* S.C. Code Ann. § 37-6-604 (2018). The Code generally defines a consumer as a person, other than an organization, who purchases goods or services for family, personal or household use. To stay in line with the statutory language governing the Department’s authority, and in hopes of eliminating further confusion, we are proposing additional, clarifying language for the Pro Se Litigant Guide.

The Department previously proposed the following revisions shown in black. Our additional suggestions are in red:

ADMINISTRATOR	PUBLIC INFORMATION	CONSUMER ADVOCACY	LEGAL/ LICENSING	CONSUMER COMPLAINTS	ID THEFT UNIT	PROCUREMENT & ACCOUNTING
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The South Carolina Department of Consumer Affairs (SCDCA) is the state consumer protection agency. SCDCA is the administrator and enforcer of the S.C. Consumer Protection Code, as well as other regulatory statutes outside the Code. SCDCA's mission is to protect consumers from inequities in the marketplace through advocacy, mediation, enforcement and education.

Pursuant to S.C. Code Ann. § 37-6-604 (2018), the SCDCA may provide legal representation of the consumer interest before state and federal regulatory agencies when such agencies undertake to fix rates or prices for consumer products or services. As part of this role, SCDCA receives notice of filings that could impact consumers' utility rates and may intervene as a party to advocate for their interests before the Commission. *SCDCA interprets "consumer" to be a person purchasing utility services primarily for personal, family or household purpose (i.e., a residential customer).*

You can find out more about the SCDCA by visiting www.consumer.sc.gov or calling 1-800-922-1594.

The proposed guide revisions also reference the "consumer advocacy department" of ORS. *See* page 28 of 48. It appears the reference may be to ORS's Consumer Services Division; therefore, we request the guide use the division name so as to prevent confusion with SCDCA's Advocacy Division. Finally, video two, "Legal Resources," provided in the Commission's September 23, 2021 email, contains a statement that the ORS "advocates for consumers". Again, to avoid confusion similar to what we stated above, clarifying who the term "consumers" encompasses could be helpful.

The Department has reached out to ORS regarding our concerns related to the duplicitous use of terms by the agencies and provided the potential remedy suggested herein- that should ORS wish to continue using "consumer" within their description of services/ jurisdiction, providing a definition of to whom they are referring could be beneficial. The Legislature created distinct roles for the agencies, and we believe the Pro Se Litigant Guide and related items should accurately reflect those roles, distinguishing the two agencies, and preventing confusion.

The Department appreciates the Commission's continued efforts to revise the Pro Se Litigant Guide and the opportunity to provide additional comments.

Regards,



Roger Hall, Esq.
Deputy Consumer Advocate